

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Henry Lee Pinckney,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 9:20-cv-3141-BHH
v.	)	
	)	
United States,	)	<b><u>ORDER</u></b>
	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon Plaintiff Henry Lee Pinckney's ("Plaintiff") complaint filed pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations.

On December 16, 2020, Magistrate Judge Molly H. Cherry issued a report and recommendation ("Report") outlining the history of this action and recommending that the Court summarily dismiss this action without issuance and service of process based on various defects in the complaint. The Magistrate Judge noted that Plaintiff was previously advised of these defects and given the opportunity to file an amended complaint or otherwise cure the defects, but Plaintiff failed to do so. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis.

Accordingly, the Court adopts and specifically incorporates the Magistrate Judge’s Report (ECF No. 16), and the Court summarily dismisses Plaintiff’s complaint without issuance and service of process for the reasons set forth in the Report.

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
The Honorable Bruce Howe Hendricks  
United States District Judge

January 8, 2021  
Charleston, South Carolina